

Minutes

DVD No. 235

The City Council of the City of Leawood, Kansas, met in regular session in the Council Chambers, 4800 Town Center Drive, at 7:30 P.M., on Monday, June 7, 2010. Mayor Peggy Dunn presided.

Councilmembers present: Jim Rawlings, James Azeltine, Lou Rasmussen, Julie Cain, Gary Bussing, Andrew Osman, and Debra Filla

Mayor/Councilmembers absent: Councilmember Mike Gill

Staff present: Scott Lambers, City Administrator
Chief John Meier, Police Department
Chief Ben Florance, Fire Department
Richard Coleman, Comm. Dev. Director
Mark Klein, Assistant Planning Director
Karl Weinfurter, Info. Systems Specialist
Patty Bennett, City Attorney
Joe Johnson, PW Director
Chris Claxton, P&R Director
Kathy Rogers, Finance Director
Deb Harper, City Clerk
Pam Gregory, Assistant City Clerk

1. PLEDGE OF ALLEGIANCE

2. APPROVAL OF AGENDA

Mayor Dunn noted the following modification to the agenda:

- Addition of Item No. 9B – Report from Councilmember Rawlings

A motion to approve the amended agenda was made by Councilmember Filla; seconded by Councilmember Rawlings. The motion carried following a unanimous vote of 7-0. (Councilmember Gill absent).

3. CITIZEN COMMENTS

Members of the public are welcome to use this time to make comments about City matters that do not appear on the agenda, or about items that will be considered as part of the consent agenda. It is not appropriate to comment on pending litigation, municipal court matters or personnel issues. Comments about items that appear on the action agenda will be taken as each item is considered. CITIZENS ARE REQUESTED TO KEEP THEIR COMMENTS UNDER 5 MINUTES.

Darren Holmes, 14622 Windsor, expressed concerns of the existing and proposed amphitheatre expansion at Ironwoods Park. The closest homes in the Steeplechase neighborhood are 550' feet away from the stage. His home is 900' feet away with another 30-40 homes 1,000' feet. They can vividly hear when a production is in progress.

Camden Woods is only 1,800' feet away and the furthest home in Steeplechase is located 3,500' feet away. In comparison, the closest homes to the Theatre in the Park stage in Overland Park are 3,500' feet away. He also compared the closest homes to the amphitheatre in Cary, North Carolina, which were 1,500' feet away and noted the amphitheatre is facing away from the residents and located in a commercial area. The Cary City Council has dealt with many noise issues and currently have people on the site to specifically monitor the noise. Fines are imposed if they exceed certain intervals of decibel limits. Mr. Holmes stated every summer they face issues of being able to enjoy their yards and their families being able to sleep. He asked the City Council to address curfews and performance noise.

Debra LaMunyon, 3117 W. 147th Street, had concerns regarding the amphitheatre expansion with not only the sound, but also the lighting and trash. Patrons are parking in front of their home and walking through their property to attend the performances. She asked the Council to consider what they would want to see so close to their own homes.

Sharon Ervin, 3201 W. 147th Street, lives 38 steps from the split rail fence where the patrons park and 250 steps away from the stage. She cannot enjoy her backyard and has to move a birthday party for her daughter to the Plaza because of the amphitheatre disturbances. In 2001, the plans showed seating for 1,000; however, with the expansion, it will house up to 2,500 with only one entrance and exit. She spoke with the Parks and Recreation Department before purchasing her home and no one mentioned that plays would be performed there. It was portrayed mostly as a nature park and she was told music would be played from 6:00 P.M. to 8:00 P.M. on some Sundays. The performances are very invasive and when her grandchildren visit, they have to be moved to the back room in order to sleep. Ms. Ervin moved into what she thought would be a Leawood lifestyle and the City would protect her. She asked the Council to consider re-designing the amphitheatre so they could all co-exist.

Jim Holland, 14613 Windsor, was concerned if the expansion moves forward his family would not have the certain lifestyle they intended on when they moved into Leawood, and it will bring their property values down. His front porch is located approximately 350' feet away. The plans are proposed so that the sound will project directly into the Steeplechase neighborhood. He asked the Council, at a minimum, to re-evaluate the current plans to expand.

Karen Strohmeier, 14551 Chadwick, felt the amphitheatre should be moved away from any residential area. As citizens, it limits their rights to host events. She was concerned that the addition of public restrooms could attract sexual predators and also concerned of what could happen with the amphitheatre building, should it fail by not meeting its financial obligations. Ms. Strohmeier was adamantly against any kind of amphitheatre in Ironwoods Park.

Jeff Day, 14609 Falmouth, was concerned as a father and homeowner of the proposed project. Prior to building their house in 2001, they went to the City to specifically look at long-range plans for Ironwoods Park. At that time, there was nothing of this scope. The productions are intrusive to the neighbors and go well into the evening. He asked the Council to please reconsider this project and, at a minimum, scale it back. Mr. Day asked if they would want to see this in their own backyards.

Leann Wiggins, 14405 Windsor Street, President Steeplechase Homes Association, stated the board recently performed a formal assessment of homeowners views and received 45 responses; 41 of these opposed. She too, was concerned with the noise in the neighborhood. She quoted the Public Health and Welfare Amendment of 1978; Congress declaring to promote an environment for all Americans free from noise that jeopardizes their health and welfare. The City has its own ordinance regarding disturbing the peace. Performances are taking place well beyond what is considered reasonable for working residents and any expansion will only exacerbate problems. She asked the Council to consider whether the amphitheatre could fit in at this location and be able to uphold the Leawood motto of "Growing with Distinction." She requested that they re-locate the theatre and invited them to visit their backyards on a production night to get their own perspective of not only performances, but also dress rehearsals.

Doug Furnell, 14552 Mohawk, liked the amphitheatre and didn't want it moved. It is a beautiful asset that draws people to the community. He asked the Council to consider all of the residents in Leawood before they consider moving it or shutting it down. He suggested building a large berm to help mitigate some of the noise.

Mayor Dunn noted this was a non-agenda item and was not scheduled for discussion at this time. There will be further discussions with numerous meetings if the future plans move forward. There is currently \$500,000 from the bond issue being spent on parking, stormwater issues and possible restrooms. The amphitheatre was approved by the public in 1998 to be located at this site. Before it was constructed, performances were held on a small platform behind City Hall. She clarified that the entire proposed plan had only been presented to the Governing Body and had not been approved. Mayor Dunn appreciated all of the residents in attendance voicing their concerns and noted they were concerned as well and would take all of their comments into consideration. The Governing Body wants to mitigate as many issues as possible.

Mayor Dunn recognized Cultural Arts Coordinator April Bishop, Arts Council Chairman Mary Tearney, Leawood Stage Company Chairman Paul Anderson and Parks and Recreation Director Chris Claxton in the audience.

4. PROCLAMATIONS

5. PRESENTATIONS/RECOGNITIONS GFOA Distinguished Budget Presentation Awards Program

Mayor Dunn presented Finance Director Kathy Rogers with a plaque to the City of Leawood for the Fiscal Year, beginning January 1, 2010.

6. SPECIAL BUSINESS

Discussion and approval of the 2010 bond issue and debt restructuring

David Arteberry, George K. Baum & Company, indicated on June 21, 2010, the Council would be asked to adopt a resolution authorizing the sale of bonds. Prior to this, they needed to discuss what type of financing was desired.

Mr. Arteberry reviewed the financing plan that was discussed at a prior Work Session. One plan was to issue the new bonds in March, 2011, with an alternative to restructure an outstanding 2002 bond issue and defer some of the principal payments on the new bonds in an attempt to create a lower overall bond and interest payment over the next few years. Under the alternative plan, the City's overall bond payments are decreased approximately \$3 Million over the first 5-6 years. Payments over the next 10 years will increase with the last 4-5 years remaining the same. Based on current interest rates, the estimated increase in interest cost is approximately \$1.17 Million. Of this \$1.17 Million, the present value amount will vary depending upon what interest rate is chosen as a discount factor. The refinancing of the 2002 bonds has increased in attractiveness since March and generates a substantial present value savings.

Finance Director Kathy Rogers apologized that this was coming before the Council two weeks earlier than planned due to a scheduling issue with the Attorney General's office.

Councilmember Bussing confirmed with Mr. Arteberry that the amount of new bonds the City needed to issue was \$13.3 Million to pay-off outstanding temporary notes and would also need to issue \$4.99 Million in new temporary notes, totaling approximately \$18 Million. In addition, refinancing costs would be approximately \$4.3 Million.

Mr. Arteberry clarified that the Governing Body needed to consider whether to include the refinancing component; however, would not incur the \$1.17 Million at this time. This drafted official statement does not include the refinancing.

City Administrator Scott Lambers clarified the only action needed from the Governing Body was consensus to have the restructuring included in the documents for the June 21, 2010, meeting. Staff prepared a financial model reflecting the savings that would be achieved. As a result, the one mill levy increases projected for 2012, 2014 and 2016 have been postponed. The financial forecast shows the mill levy not needed until 2013, 2015 or 2017. Mr. Lambers noted the interest cost was estimated at \$1.8 Million in March and has since been reduced to an estimated \$1.2 Million; therefore, he recommended that they proceed and the Council authorize staff to prepare the documents accordingly.

A motion was made by Councilmember Bussing to proceed with refinancing and to include documents for restructuring the new bonds as outlined by Mr. Arteberry for the June 21, 2010, Governing Body meeting; seconded by Councilmember Azeltine.

Councilmember Rasmussen noted the restructuring would be the first time they would be increasing the cash requirements for their constituents. Over the next few years, the City's revenues do not meet the expenditures. Previously, consideration was given to adding a fee structure for stormwater. There was no question regarding the needs for expenditures on the stormwater system; however, there was a difference of opinion to how it should be structured. A fee structure is tax adverse to the citizens compared to a property tax increase. There has also been discussion regarding the City's needs for curb and gutter replacement.

He felt this would only be delaying the costs to support the City's debt and thought they should postpone the decision regarding restructuring and inform citizens that in order to maintain the City's services, they would need to have a tax increase of at least one mill, beginning 2011.

Councilmember Azeltine felt they were making the right decision based upon the debt service graph and present value analysis report prepared by George K. Baum & Company.

Councilmember Filla noted they wouldn't be extending their debt beyond the original timeframe and asked if they could pay additional principal if revenues increased over the next few years. Mr. Arteberry stated the bonds will have a call feature that would allow this in approximately 8-9 years.

Mr. Lambers noted the City currently has other bonds issued that have a call provision before this timeframe; therefore, if they receive more revenue than forecasted, they could take advantage of those. This would similarly reduce the overall bond and interest payments for the City. Mr. Arteberry noted they could also use the additional revenue for reducing future borrowing needs and accomplish the same thing.

Mayor Dunn added the Governing Body had requested that the City Administrator and department heads strive to not raise the mill levy, if possible. She felt this would be a creative plan to delay the projected mill levy increase in hopes to not need it. To date, they haven't needed any of the projected mill levy increases.

The motion to proceed with refinancing and to include documents for restructuring the new bonds as outlined by Mr. Arteberry for the June 21, 2010, Governing Body meeting carried following a vote of 6-1. Nay: Councilmember Rasmussen. (Councilmember Gill absent).

7. **CONSENT AGENDA**

Consent agenda items have been studied by the Governing Body and determined to be routine enough to be acted on in a single motion. If a Councilmember requests a separate discussion on an item, it can be removed from the consent agenda for further consideration.

- A. Accept Appropriation Ordinance Nos. 2010-17, 2010-18, 2010-19, 2010-20, and 2010-21
- B. Accept minutes of the May 3, 2010 Governing Body meeting
- C. Accept minutes of the May 3, 2010 Governing Body Work Session
- D. Accept minutes of the April 13, 2010 Historic Commission meeting
- E. Accept minutes of the March 23, 2010 Arts Council meeting
- F. Accept minutes of the March 9, 2010 Parks and Recreation Advisory Board
- G. Accept minutes of the February 24, 2010 Stormwater Management Committee meeting
- *H. Accept minutes of the April 1, 2010 Bicycle Friendly Committee- *Continued to June 21, 2010 meeting***
- *I. Accept minutes of the March 4, 2010 Bicycle Friendly Committee- *Continued to June 21, 2010 meeting***

- *J. **Accept minutes of the April 1, 2010 Green Initiative Task Force- *Continued to June 21, 2010 meeting***
- *K. **Accept minutes of the March 4, 2010 Green Initiative Task Force- *Continued to June 21, 2010 meeting***
- *L. **Accept minutes of the February 4, 2010 Green Initiative Task Force- *Continued to June 21, 2010 meeting***
- *M. **Accept minutes of the January 14, 2010 Green Initiative Task Force - *Continued to June 21, 2010 meeting***
- N. Accept minutes of the December 14, 2009 Amphitheatre Steering Committee
- O. Accept Mayoral Appointment for Gezer Sister City Committee
- P. Approve Massage Therapist License for His and Hers Fitness and Happy Dragon Spa, located at 5328 W. 151 Street
- Q. Approve payment in the amount of \$49,826.00 to Microsoft Corporation via Software House International, Inc., pertaining to the annual Microsoft license renewal
- R. **Resolution No. 3400** accepting a Permanent Sidewalk Easement from the Quiktrip Corporation for Lots 29 & 30, Meadow Lake Lawn Subdivision, located approximately at 80th & State Line Road
- S. **Resolution No. 3401** approving and authorizing the Mayor to execute a Professional Services Agreement in the amount of \$24,250.00 between the City and George Butler Associates [GBA] for the inspection of specific bridges located within the City of Leawood
- T. **Resolution No. 3402** approving and authorizing the Mayor to execute a Construction Agreement in the amount of \$254,855.00 between the City and Pyramid Excavation Construction, Inc., pertaining to the 97th & State Line Road Storm Sewer Improvement Project
- U. **Resolution No. 3403** approving and authorizing the Mayor to execute an Extension to those certain Financial Services Agreements dated May 19, 2008, between the City and Commerce Bank, to provide certain banking service needs for the City for an additional two year term with a one-year renewal option
- V. **Resolution No. 3404** amending the City of Leawood's Investment Policy and repealing Resolution No. 3289
- W. Fire Department Monthly Reports [April]
- X. Police Department Monthly Reports [April]
- Y. Municipal Court Monthly Reports [April]
- Z. Declaration of surplus property; 2006 HD Motorcycle, last 4 VIN/8522
- AA. Declaration of surplus property; 5 picnic tables from Aquatic Center

Councilmember Rasmussen requested to pull Item No. 7S for discussion.

Councilmember Cain asked why Item Nos. 7H-7M was continued. Mayor Dunn clarified there were conflicting meeting dates, versus the dates of the minutes and they would be corrected and placed on the June 21, 2010, agenda.

A motion to approve the remainder of the Consent Agenda was made by Councilmember Bussing; seconded by Councilmember Rawlings. The motion carried following a unanimous vote of 7-0. (Councilmember Gill absent).

- 7S. **Resolution No. 3401** approving and authorizing the Mayor to execute a Professional Services Agreement in the amount of \$24,250.00 between the City and George Butler Associates [GBA] for the inspection of specific bridges located within the City of Leawood

Councilmember Rasmussen had concerns with Item No. 5 in the Professional Service Agreement with George Butler Associates [GBA]. He felt GBA should certify that the levee was built according to state standards. Public Works Director Joe Johnson stated the language had already been changed to read that inspections would be done according to state standards in reference to specifications for levee inspections.

A motion to approve Item No. 7S with the revisions as outlined by Public Works Director Joe Johnson was made by Councilmember Rasmussen; seconded by Councilmember Filla. The motion carried following a unanimous vote of 7-0. (Councilmember Gill absent).

8. MAYOR'S REPORT

- A. Attended two Johnson & Wyandotte Counties Council of Mayors meetings. The first in early May, hosted by Roeland Park Mayor Adrienne Foster; and the second, hosted by Mission Mayor Laura McConwell, included the Johnson and Wyandotte Counties Legislative Delegations. Topics included: The State Budget, Transportation, Annexation, Legal Publication Notices and Concealed Carry. There was a great deal of discussion regarding the 1.0% sales tax increase. There is some remaining stimulus money; however, they are still projecting possible deficits for next year's budget. Transportation, which they call T-Works, will be funded immediately with bond proceeds. The sales tax will not begin funding this until 2013 with .4% of the 1.0% increase. They were rather dismal with their future outlook and gave what they felt was an optimistic view. There were legislators in attendance that had voted for the sales tax increase and some in opposition to it. Appointments approved that evening included: Lisa McDaniels of Shawnee, representing Cities of the First Class, to The Johnson County Solid Waste Management Committee; and three additional appointments requested by Johnson County Commission Chairwoman Annabeth Surbaugh for the Strategic Transit Action Recommendation Taskforce [START]. There will already be representation from Mission, Prairie Village and Overland Park; however, she wanted representation from other cities as well. Councilmember James Azeltine was approved by the Council of Mayors to serve on START, which will meet monthly and be completed in January, 2011. A Councilman from Olathe and a Councilman from Lenexa were also approved to serve. Mayor Dunn extended her appreciation to Councilmember Azeltine for his willingness to represent Leawood in that role.

- B. Attended the United Community Services [UCS] Council of Advisors meeting and received the annual report regarding the growing needs for human services in Johnson County. They spoke about the diversity in the county. By 2030, it is anticipated there will be 750,000 people living in Johnson County. In 1980, there were only 4% that were of diverse persuasions in the county. In 2008, this had grown to 16%. Another interesting statistic is that the single-person, non-family household is the largest housing category currently in Johnson County. Of the 200% federal poverty level, which is \$36,600 per year for a family of four, 14% in Johnson County are at that level.
- C. Rabbi Miri Gold from the Gezer Region of Israel recently visited Leawood and toured Gezer Park with other members of the Leawood Foundation. She had never seen the park and was extremely impressed. Rabbi Gold is married to David Leichman, former park founder and director of Pinat Shorashim, located in Kibbutz Gezer.
- D. Attended a ribbon cutting ceremony, sponsored by the Leawood Chamber of Commerce at the Hilton Garden Inn of Overland Park. They celebrated a re-opening after an extensive renovation. They had indicated the place they send their hotel guests most often is Town Center Plaza and Park Place.
- E. Attended a Drug Awareness Resistance Education [D.A.R.E.] Graduation at the Cure` of Ars School with Police Chief John Meier and D.A.R.E. Officer Randy Wiler.
- F. Councilman Jim Rawlings stood in for Mayor Dunn at a D.A.R.E. Graduation at Brookwood Elementary School. She extended her appreciation to Mr. Rawlings.
- G. Mayor Dunn was privileged to be a part of the delegation that attended the Gezer Regions 60th Anniversary in Gezer, Israel, with Councilmembers Rasmussen, Bussing, Azeltine and Filla. This was a four-day/four-night trip with wonderful hospitality from Mayor Peter Weiss and other Regional Councilmembers in Gezer. They presented Mayor Dunn and the Councilmembers with authentic Israeli stone art commemorating the Harvest Feast holiday that coincided with their visit. The gifts will be displayed at City Hall. Mayor Dunn thanked those that were able to be in attendance.
- H. Attended the Boy Scouts of America [BSA] Annual Conference in Dallas, Texas, celebrating their 100th-Year Anniversary. Mayor Dunn congratulated the BSA for their outstanding youth organization providing leadership opportunities for youth of our nation.
- I. Mayor Dunn congratulated Leawood Police Officer Shawn Farris, who was the leader of this year's Law Enforcement Torch Run. This coincided with law enforcement departments throughout Kansas. More than 5,500 Kansas athletes are able to participate in 100 state-wide programs in 22 different sports. There were 12 Leawood Police Officers that participated and raised approximately \$15,000 for Special Olympics.
- J. The Employee Activity Committee sponsored a Harvesters Kid Drive; "Hunger Knows No Season," during May. City of Leawood Employees donated \$100 in cash and 113 pounds of food, which will equal 587 meals. Mayor Dunn thanked them for their generosity.

- K. A group of 17 Leawood employees, friends and family, worked together on a home for Habitat for Humanity. The work consisted of exterior siding, roofing, rough-in and general clean up. This coincided with the United Way's Day of Caring. Mayor Dunn thanked those who participated.
- L. Mayor Dunn expressed deep appreciation to Leawood Woman's Club President Kathy Wininger and the Leawood Woman's Club for their philanthropic donations again this year for the Leawood Police and Fire Departments. They donated \$3,500 per department for equipment to enhance their service. The accolades and kudos that the ladies of the Leawood Woman's Club forward on to public safety personnel could not be more sincere or genuine in their remarks.
- M. National Trails Day was on June 5, 2010. An event was hosted by the Leawood Parks and Recreation Department and led by Parks and Recreation Director Chris Claxton. An article in the Kansas City Star stated that Johnson County had its first designated National Recreation Trail by the U.S. Interior Department. It is the Gary L. Haller Trail and runs through Olathe, Lenexa and Shawnee. This is in the Johnson County Park and Recreation District's Mill Creek Streamway Park. Mayor Dunn congratulated Johnson County on this recognition.

9. COUNCILMEMBERS' REPORT

- A. Councilmember Filla – Large Item Recirculation Day, Saturday June 5, 2010

Councilmember Filla reported that Recirculation Day was very successful. The Sustainability Advisory Board plans to discuss doing this again in another section of Leawood at their next meeting.

- B. Councilmember Rawlings – Recommendation to refer to Stormwater Management Committee - collapse of stormwater west of Lee Boulevard between 90th and 91st

Councilmember Rawlings reported the Stormwater Committee currently has a proposal from an experienced contractor to repair the stormwater collapse that would expand the pipe from 12"-15" inches.

A motion to refer this issue to the Stormwater Management Committee to review the proposal was made by Councilmember Bussing; seconded by Councilmember Filla. The motion carried following a unanimous vote of 7-0. (Councilmember Gill absent).

Councilmember Bussing noted he had recently had an opportunity to play golf at Ironhorse and reported the course conditions were outstanding. The greens and fairways were in excellent shape and the service was superb.

Mayor Dunn reported this mirrors everything she had been hearing from others as well.

10. STAFF REPORT – None.

COMMITTEE RECOMMENDATIONS

11. *[From the April 20, 2010 Public Works Committee meeting]*

Recommendation regarding drainage issue at 2233 Condolea Terrace

Councilmember Cain reported a drainage issue at 2233 Condolea Terrace and that it had been a problem for some time. The committee had recommended that this be added to the list of projects for either the Accelerated Reconstruction or Mill and Overlay Program to mitigate the problem.

A motion to approve the committee's recommendation to add this item to the queue for future repair was made by Councilmember Bussing; seconded by Councilmember Rawlings.

Councilmember Rasmussen noted this street has unique problems and staff would need to obtain construction permits.

Councilmember Filla wanted staff to consider the use of pervious concrete as an alternative solution for this future project.

Mayor Dunn confirmed with Mr. Johnson that Sam Keith, the property owner, was aware of the recommendation and was notified this would come before the Council this evening.

Councilmember Rasmussen confirmed that the priorities for maintaining the City's streets were at Mr. Johnson's discretion. Mr. Johnson noted 2016 would be the first available year to consider programming streets.

Councilmember Bussing confirmed that Mr. Keith was aware of this timeframe.

The motion carried following a unanimous vote of 7-0. (Councilmember Gill absent).

12. **PLANNING COMMISSION**

[From the April 27, 2010 Planning Commission meeting]

- A. **Ordinance No. 2445** approving a Preliminary Site Plan for Town Center Plaza – Outlot Building 12, located west of Roe Avenue and north of 119th Street (PC Case # 32-10) [Roll Call Vote]

Henry Klover, Klover Architects, requested a Preliminary Plan approval for an additional building, consisting of 12,254 square feet, located in Town Center Plaza. The building will be placed between Dean & Deluca and Barnes and Noble on the east side. It has been designed for two potential patios on the north and south side and will mirror the design of the Pottery Barn building. Mr. Klover indicated they currently have some tenant interest; however, he could not discuss it at this time. The building is being designed for potential small restaurant usage. The Planning Commission preferred that there be a patio on the northeast corner. They weren't sure if this could be accomplished; however, have agreed to evaluate it and present it to leasing and the tenants.

Mayor Dunn preferred something more aesthetically pleasing than the screen wall and was concerned with the proposed trash enclosure. Assistant Planning Director Mark Klein indicated they could break up the screen wall with different patterns of landscaping.

A motion to pass the ordinance was made by Councilmember Bussing; seconded by Councilmember Osman. The motion carried following a unanimous roll call vote of 7-0. Nay: None. (Councilmember Gill absent).

- B. **Ordinance No. 2446** approving a Revised Preliminary Site Plan, Revised Final Site Plan and Revised Final Plat for Market Square Center, located on the northeast corner of 135th Street and Mission Road (PC Case # 43-10) [Roll Call Vote]

Paul Waid, Copaken White Blitt, stated due to an error in the location of the property lines, two of the screen walls had caused encroachment. Staff had worked with them on a resolution.

A motion to pass the ordinance was made by Councilmember Bussing; seconded by Councilmember Azeltine. The motion carried following a unanimous roll call vote of 7-0. Nay: None. (Councilmember Gill absent).

13. OLD BUSINESS – None.

14. OTHER BUSINESS – None.

15. NEW BUSINESS

- A. **Ordinance No. 2447C** amending § 1-208 of the Code of the City of Leawood, 2000, pertaining to Compensation for the Office of Mayor and City Councilmembers [Roll Call Vote]

A motion to pass the ordinance was made by Councilmember Rasmussen; seconded by Councilmember Filla.

Councilmember Osman wanted clarification of compensation for the Mayor and Councilmembers.

Mr. Lambers stated there is flexibility in compensation based upon IRS regulations. He was proposing to lock-in the current rate and keep it locked in regardless of what the IRS regulations call for. If the Council desires, they can adjust it in the future. Most salaries are specifically set and are between \$1 in Prairie Village, to more substantial amounts in cities such as Overland Park.

Mr. Lambers clarified that this is not an increase in compensation and is only locking in the current rate.

Councilmember Osman confirmed that with this ordinance there would be a \$250 cap per month, per Councilmember. He was concerned this could equate to a substantial amount over time and wanted everyone to be fiscally responsible given this environment.

Mayor Dunn thought as Mr. Osman becomes more familiar with the Governing Body, he would come to realize they were all fiscally responsible.

The motion to pass the ordinance carried following a roll call vote of 6-1. Nay: Councilmember Osman. (Councilmember Gill absent).

- B. Ordinance amending Chapter 14, Article 1 of the Code of the City of Leawood, 2000, by adding a new Section 14-109a, pertaining to seat belts, amending the 'Standard Traffic Ordinance' [STO] incorporated by reference in Ordinance No. 2419C, and repealing other sections in conflict herewith [Roll Call Vote]

A motion to pass the ordinance was made by Councilmember Rasmussen; seconded by Councilmember Azeltine.

City Attorney Patty Bennett thought according to the publication in the Kansas Register, the effective date was today, June 7, 2010.

Police Chief John Meier clarified the effective date will be July 1, 2010, with a fine violation of \$5.

City Clerk Deb Harper asked if they should change the ordinance to show the effective date July 1, 2010, instead of the publication date.

Councilmember Bussing asked if the fines were set by the state or if the City could set its own fines. Chief Meier clarified the legislature specifically set the fine at \$5 for the first year and \$10 the second year, plus court costs.

Mayor Dunn noted the ordinance showed fines of \$30 and \$60, plus court costs.

Councilmembers Rasmussen and Azeltine withdrew their motions to await clarification of the effective date and fine amounts.

A motion to continue this to the June 21, 2010, Governing Body meeting was made by Councilmember Rasmussen; seconded by Councilmember Azeltine. The motion carried following a unanimous vote of 7-0. (Councilmember Gill absent).

- C. Schedule a Governing Body Work Session at 6:00 P.M. on Monday, October 18, 2010 to discuss Transient Guest Tax and Transportation Development District [TDD] financing for Park Place Improvement District [CIP # 80196]

A motion to approve the Work Session was made by Councilmember Filla; seconded by Councilmember Cain. The motion carried following a unanimous vote of 7-0. (Councilmember Gill absent).

***D. Governing Body Executive Session on Monday, June 7, 2010, immediately following the regular meeting to discuss matters related to attorney-client privilege**

A motion to recess into Executive Session at 9:30 P.M. for a period of 15 minutes was made by Councilmember Bussing; seconded by Councilmember Cain. The motion carried following a unanimous vote of 7-0. (Councilmember Gill absent).

The Governing Body reconvened into regular session at 9:45 P.M.

A motion to adjourn the regular session was made by Councilmember Rawlings; seconded by Councilmember Bussing.

ADJOURN

There being no further business, the meeting was adjourned at 9:45 P.M.

Debra Harper, CMC, City Clerk

Pam Gregory
Recording Deputy City Clerk